

# Time for states to use Constitution's Article V

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Tom Tancredo About | Email | Archive Tom Tancredo is the founder of the Rocky Mountain Foundation and founder and co-chairman of Team America PAC. He is also a former five-term congressman and presidential candidate. Tancredo is the author of "In Mortal Danger: The Battle for America's Border and Security." Follow [Subscribe to feed](#)

The federal government has been spinning out of control for many years, and we have learned that neither the Congress nor the federal courts are willing to put the brakes on the cancerous growth of federal power. It's time the states acted to rein in federal arrogance.

Instead of praying for another Ronald Reagan on a white horse, we should pick up and use the tools at hand. Let's begin by using the constitutional amendment process allowed in Article V of the U.S. Constitution.

In Article V, the Founding Fathers provided two mechanisms for amending the Constitution, not one, but the process that begins with state governments has never been used. So, why use it now? It is needed now because Congress itself is one of the major obstacles to the reduction of federal powers. Simply put, Congress will never be willing to ask states to vote on remedies that reduce the powers of the federal government.

Article V allows two-thirds of the states to call a convention – an “Article V Convention” – to consider amendments. Any amendments adopted by that convention are then sent back to the states for debate and possible adoption. It takes an affirmative vote of three-fourths of the states to adopt any amendment proposed by the Article V Convention.

A growing number of patriots and constitutional conservatives have concluded that the use of the Article V Convention is the best – and maybe the only – practical way to restore constitutionally limited government. Over 30 states were represented at a recent gathering at Mount Vernon to lay the groundwork for a call to convention.

Among the amendments that ought to be at the top of the list for consideration at an Article V Convention are the Balanced Budget Amendment, the repeal of the 16th Amendment and some check on the powers of the unelected federal judiciary to declare acts of elected representatives unconstitutional. We could add to the list, and [conservative legal scholar Mark Levin](#) has written a book making a case for a dozen others. Certainly, we need to clarify and restore the original meaning of the Commerce Clause and make clear that the authors of the 14th Amendment did not intend to bestow citizenship on children born to foreign tourists and illegal aliens.

The main obstacle to following this path to restore limited constitutional government lies not in Congress, nor in the courts or in the liberal media, the universities, the United Nations, or any other bastion of progressivism. The main obstacle to using an Article V Convention lies closer to home – in ourselves.

There are some vocal conservative opponents who say there is no way to prevent the convention called in this manner from becoming a political Frankenstein. They fear a “runaway convention” that abandons its original purpose and produces instead amendments that subvert our Constitution even more.

That is an understandable concern, not an irrational one, but it can be overcome. Although I shared that concern for many years, I have been persuaded that the fear is exaggerated and not a sufficient reason to

reject the Article V Convention out of hand. We need to pursue the Article V convention while addressing legitimate concerns about protecting its scope and purpose.

There is an obvious safeguard built into the amendment process: If the amendments that come out a convention are worthless or woefully inadequate, they can be rejected or buried in the state legislatures that must ratify them. Do the math. Since it takes 38 states to ratify any proposed amendment, it takes only 13 states to kill any amendment. If you believe that the conservative, constitutional liberty movement cannot win and maintain majorities in 13 state legislatures, then we might as well give up now and quietly accept the inevitable destruction of our liberties.

A second reason I have come to support the Article V call to convention is the lack of any alternative path to halting our slide into tyranny. No path is free of risk, but look at the path we are on now! Today, we don't have the possibility of a runaway convention, we have the reality of a runaway government.

In Washington, D.C., today, there is no respect for the rule of law; there is no court willing to invalidate unconstitutional acts of an imperial president; there is no agency willing to secure our borders; and there is no check on the invasive and oppressive regulatory powers of the EPA, the IRS and the federal education bureaucracy. More importantly, there is no majority in House or Senate willing to fulfill their oaths to defend the Constitution against all enemies, foreign and domestic.

The effort to organize and conduct a national Article V Convention poses an unparalleled challenge, and yes, the project has many pitfalls. Organizing support in the 34 states needed to call a convention is itself a monumental challenge that will take several years. But what other path is there? What other goal is more worthy? Do we not trust ourselves to find the talent and the genius to construct the needed amendments? Or is our problem that of character and fortitude – do we not possess the political will to see it through to success?

Progressives have a vision of "Social Justice," and they are pursuing it relentlessly. Patriots understand that time is short. The Article V Convention offers the hope for a reversal of our present downward spiral. Let's get busy.

*Concerned about the impact of illegal aliens on the United States? Don't miss Tom Tancredo's book, "In Mortal Danger: The Battle for America's Border and Security" — and with your purchase get a free copy of "Minutemen: The Battle to Secure America's Borders"!*

*Media wishing to interview Tom Tancredo, please contact [media@wnd.com](mailto:media@wnd.com).*

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